

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 153

HOUSE BILL 2609

AN ACT

AMENDING SECTIONS 21-202, 21-222 AND 21-336, ARIZONA REVISED STATUTES;
RELATING TO JURIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 21-202, Arizona Revised Statutes, is amended to
3 read:

4 21-202. Persons entitled to be excused from jury service

5 A. It is the policy of this state that all qualified citizens have an
6 obligation to serve on juries when summoned by the courts of this state,
7 unless excused.

8 B. On timely application to the court, the following persons shall be
9 excused temporarily from service as a juror if any of the following apply
10 APPLIES:

11 1. The prospective juror has a mental or physical condition that
12 causes the juror to be incapable of performing jury service. The juror or
13 the juror's personal representative shall provide the court with a medical
14 statement from a physician who is licensed pursuant to title 32 that verifies
15 that a mental or physical condition renders the person unfit for jury
16 service.

17 2. Jury service by the prospective juror would substantially and
18 materially affect the public interest or welfare in an adverse manner.

19 3. Jury service would cause undue or extreme physical or financial
20 hardship to the prospective juror or a person under the prospective juror's
21 care or supervision. For the purposes of this paragraph:

22 (a) A judge or jury commissioner of the court for which the person was
23 called to jury service shall determine whether jury service would cause the
24 prospective juror undue or extreme physical or financial hardship.

25 (b) A person who requests to be excused under this paragraph shall
26 take all actions necessary to obtain a ruling on the request before the date
27 on which the person is scheduled to appear for jury duty.

28 (c) Undue or extreme physical or financial hardship is limited to the
29 following circumstances in which a person:

30 (i) Would be required to abandon a person under the potential juror's
31 care or supervision due to the impossibility of obtaining an appropriate
32 substitute caregiver during the period of participation in the jury pool or
33 on the jury.

34 (ii) Would incur costs that would have a substantial adverse impact
35 on the payment of the person's necessary daily living expenses or on those
36 for whom the potential juror provides regular employment or the principal
37 means of support.

38 (iii) Would suffer physical hardship that would result in illness or
39 disease.

40 (iv) Is not currently capable of understanding the English language.

41 (d) Undue or extreme physical or financial hardship does not exist
42 solely based on the fact that a prospective juror will be required to be
43 absent from the prospective juror's place of employment.

1 (e) A person who requests to be excused under this paragraph shall
2 provide the judge or jury commissioner with documentation that supports the
3 request to be excused, such as federal and state income tax returns, payroll
4 records, medical statements from physicians licensed pursuant to title 32,
5 proof of dependency or guardianship or other similar documents. The judge
6 or jury commissioner may excuse a person if the documentation clearly
7 supports the request to be excused. These documents are not public records
8 and shall not be disclosed to the general public.

9 4. Any THE PROSPECTIVE JUROR IS A peace officer who is certified by
10 the Arizona peace officer standards and training board and who is employed
11 as a peace officer by this state or any political subdivision of this state.
12 The employer of a peace officer shall not in any way influence the peace
13 officer to make or not to make an application to the court, pursuant to this
14 section, to be excused from jury service.

15 C. A person who is excused temporarily pursuant to this section
16 becomes eligible for qualification as a juror when the temporary excuse
17 expires unless the person is permanently excused from jury service.

18 D. A person may be permanently excused only if the deciding judge or
19 jury commissioner determines that the underlying grounds for being excused
20 are permanent in nature.

21 Sec. 2. Section 21-222, Arizona Revised Statutes, is amended to read:

22 21-222. Arizona lengthy trial fund

23 A. The Arizona lengthy trial fund is established consisting of monies
24 received from the additional fees paid on all filings, appearances, responses
25 and answers pursuant to section 12-115. The monies in the fund shall not be
26 used for any purpose other than as prescribed in this section.

27 B. The supreme court shall administer the fund and shall adopt rules
28 for the administration of the fund. Not more than three per cent of the
29 monies in the fund shall be used for the reasonable and necessary costs of
30 administering the fund. On or before the fifteenth day of each month, on
31 receipt of a request for reimbursement the supreme court shall transmit
32 monies from the fund to a jury commissioner for monies paid to a juror under
33 this section, together with a fee of not less than the amount prescribed in
34 section 12-284, subsection A, class E for each application for payment of
35 replacement or supplemental earnings by a juror.

36 C. Beginning on July 1, 2004 and subject to the availability of
37 monies, for jury trials that commence on or after July 1, 2004, monies in the
38 fund shall be used to pay full or partial earnings replacement or
39 supplementation to jurors who serve as petit jurors for more than ten days
40 and who receive less than full compensation. The amount of replacement or
41 supplemental earnings shall be at least forty dollars but not more than three
42 hundred dollars per day per juror beginning on the eleventh day of jury
43 service and at least forty dollars but not more than one hundred dollars per
44 day from the fourth day to THROUGH the tenth day of jury service.

1 D. Beginning on July 1, 2004, a juror whose jury service lasts more
2 than ten days may submit a request for payment from the fund. The amount a
3 juror receives from the fund is limited to the difference between the state
4 paid jury fee and the actual amount of earnings a juror earns, not less than
5 forty dollars, up to the maximum level payable under subsection C of this
6 section, minus any amount the juror actually received from the juror's
7 employer during the same time period. A juror who requests payment from the
8 fund:

9 1. Shall disclose on the form the juror's regular earnings, the amount
10 the juror's employer will pay during the term of jury service starting on the
11 eleventh day and thereafter, the amount of replacement or supplemental
12 earnings being requested and any other information that the jury commissioner
13 deems necessary.

14 2. Before receiving payment from the fund, shall submit verification
15 from the juror's employer, IF ANY, regarding the earnings information that
16 is provided under paragraph 1 of this subsection. This verification may
17 include the employee's most recent earnings statement or a similar document.

18 3. In order to verify the weekly income if the juror is self-employed
19 or receives compensation other than wages, shall provide a sworn affidavit
20 attesting to the juror's approximate gross weekly income, together with any
21 other information that the supreme court requires.

22 E. JURORS WHO ARE UNEMPLOYED AND ARE NOT ELIGIBLE FOR PAYMENT PURSUANT
23 TO SUBSECTIONS C AND D OF THIS SECTION ARE ELIGIBLE TO BE PAID FORTY DOLLARS
24 PER DAY, EVEN IF THEY RECEIVE INCOME IN THE FORM OF SPOUSAL MAINTENANCE,
25 PENSIONS, RETIREMENT, UNEMPLOYMENT COMPENSATION, DISABILITY BENEFITS OR OTHER
26 SIMILAR INCOME. COMMISSIONERS SHALL NOT DEDUCT THESE OTHER FORMS OF INCOME
27 IN CALCULATING THE AMOUNT THESE JURORS ARE TO BE PAID FROM THE FUND.

28 F. The supreme court shall annually report to the joint
29 legislative budget committee on the amount of monies collected and disbursed
30 from the fund and the number of jurors who received monies from the fund.

31 Sec. 3. Section 21-336, Arizona Revised Statutes, is amended to read:

32 21-336. Postponement of jury service

33 A. Persons who are scheduled to appear for jury service may postpone
34 the date of their initial appearance for jury service two times only. On
35 request, postponement shall be granted if all of the following apply:

36 1. The prospective juror has not previously been granted
37 a postponement TWO PRIOR POSTPONEMENTS.

38 2. The prospective juror appears in person or contacts the jury
39 commissioner by telephone, OR electronic mail or in writing to request a
40 postponement.

41 3. A postponement shall not be for more than three months after the
42 date on which the prospective juror originally was called to serve WITHIN A
43 TIME PERIOD DETERMINED BY THE JURY COMMISSIONER and shall be a date when the
44 court will be in session.

1 B. A jury commissioner may approve a subsequent request for
2 postponement of jury service only in the event of an extreme emergency that
3 could not have been anticipated at the time the initial postponement was
4 granted. The prospective juror is subject to being resummoned at the
5 discretion of the jury commissioner.

6 Sec. 4. Emergency

7 This act is an emergency measure that is necessary to preserve the
8 public peace, health or safety and is operative immediately as provided by
9 law.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.



Passed the House March 9, 2004

by the following vote: 52 Ayes,

6 Nays, 2 Not Voting
With Emergency

Jake Flake
Speaker of the House

Norman L. Moore
Chief Clerk of the House

Passed the Senate April 8, 2004

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting
With Emergency

Ken Blumenthal
President of the Senate

Charmian Billington
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

H.B. 2609

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2004,

by the following vote: 50 Ayes,

6 Nays, 4 Not Voting
With Emergency
Jake Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2004,

at 2:30 o'clock P. M.

Wendy Ibarra
Secretary to the Governor

Approved this 23 day of

April, 2004,

at 2:10 o'clock P. M.

J. N. Negrete
Governor of Arizona

H.B. 2609

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 23 day of April, 2004,

at 3:05 o'clock P. M.

Janice K. Brewer
Secretary of State